

will continue to make strides in the design and installation of energy efficient equipment that will carry us through the 21st century.

I again want to thank my colleague, Chairwoman VELÁZQUEZ, for working in a bipartisan manner on this issue, as we do virtually on every issue in the Small Business Committee. I thank her for bringing this resolution to the floor today. I am happy to join her in supporting it.

Mr. Speaker, I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as Members of this Chamber know, our Nation's small businesses come in all types and a broad range of sizes. Each one makes an important contribution to our society and is an essential part of the great economic engine. In fact, there is no other nation on Earth where a person's dreams of service and innovation can be translated so effectively into the brand of success that yields both wealth and concrete benefits to communities. Entrepreneurs are the reason for this. They are the lifeblood of the U.S. economy.

Moving forward, we should remember that these hard-working business people, including those who are part of the plumbing trade, are the reason our Nation has thrived. So in recognizing the men and women of the plumbing industry today, we extend our salute to every small business person across America.

We thank plumbers for their invaluable effort and encourage the American spirit of service, progress and business excellence. That is the hallmark of our Nation's small firms, and it is one we should all be proud of.

Mr. Speaker, I urge my colleagues to support this legislation, and I reserve the balance of my time.

Mr. CHABOT. Mr. Speaker, I have no further speakers and yield back the balance of my time.

Ms. VELÁZQUEZ. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HOLDEN). The question is on the motion offered by the gentlewoman from New York (Ms. VELÁZQUEZ) that the House suspend the rules and agree to the resolution, H. Res. 1082.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

#### PROVIDING FOR CONSIDERATION OF H.R. 2016, NATIONAL LANDSCAPE CONSERVATION SYSTEM ACT

Mr. HASTINGS of Florida. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1084 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1084

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 2016) to establish the National Landscape Conservation System, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Natural Resources. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Natural Resources now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommend with or without instructions.

SEC. 2. During consideration in the House of H.R. 2016 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore. The gentleman from Florida is recognized for 1 hour.

Mr. HASTINGS of Florida. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my friend and namesake, the gentleman from Washington (Mr. HASTINGS). All time yielded during consideration of the rule is for debate only.

Mr. Speaker, I yield myself such time as I may consume.

GENERAL LEAVE

Mr. HASTINGS of Florida. Mr. Speaker, I ask unanimous consent that

all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 1084.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. HASTINGS of Florida. Mr. Speaker, House Resolution 1084 provides for consideration of H.R. 2016, the National Landscape Conservation System Act, under a structured rule. The rule provides 1 hour of general debate, controlled by the Committee on Natural Resources.

The rule makes in order the eight amendments listed in the Rules Committee report on this resolution. Six of these amendments will be offered by Republican Members, two by Democrats. Each amendment is debatable for 10 minutes. This rule is a continuation of our commitment to ensuring that the minority be given a fair opportunity to amend legislation on the House floor.

The rule provides one motion to recommend, with or without instructions.

Mr. Speaker, the American public has a vested interest in protecting our Nation's lands from the destructive uses that would ruin their natural beauty. In my home State of Florida, the protection and preservation of the magnificent ecosystem known as the Everglades, which spans 3 million acres of wetlands and is home to rare and endangered species, is of utmost importance to me and my constituents. It is a national priority to ensure that these majestic wetlands and others around our country will be preserved for all future generations of Americans to enjoy. The preservation of the National Landscape Conservation System is equally important to this Nation and to this Congress.

The underlying legislation would protect 27 million acres of land of the American West considered to have significant historical, cultural, ecological, scientific or scenic value. Most of the lands in this system are already protected and administered by the Bureau of Land Management, including wilderness areas, wild and scenic rivers and national monuments. This bill will help to streamline management of the system and reduce overall bureaucracy in the program.

If the statement of the gentleman from Alaska yesterday in the Rules Committee is any indication, and I am referring to our colleague Congressman YOUNG, there is a small minority of Members who may try and argue that this bill strips the private property rights of landowners. Quite the contrary. This bill protects only the lands the Bureau of Land Management already has authority over. Additionally, no owners' rights have been violated in the past, and there is no reason to believe they will be violated in the future.

Some may also argue that the underlying legislation changes the core management authority governing the individual National Landscape Conservation System units. Conversely, the bill includes an extensive savings clause that makes it abundantly clear that nothing in the bill alters the management authority governing the individual units.

According to the Congressional Budget Office, the bill would not affect the Bureau of Land Management's budget, direct spending or revenues, or the budgets of State, local or tribal governments.

Finally, the amendments made in order under the rule go a step further to address energy development, grazing rights, hunting and fishing and border security, ensuring that this bill does not change the law in these areas at all. All this bill does is help conserve and protect our Nation's land, our Nation's heritage.

It enjoys broad bipartisan support from groups including the Wilderness Society, Sierra Club, Defenders of Wildlife, American Hiking Society, the National Council of Churches, Boone and Crockett Club, National Trust for Historic Preservation, National Wildlife Foundation, and the Outdoor Industry Association.

The bill also enjoys the often unheard of support from both President Bush and former President Clinton.

It is my sincere hope that the House will pass this rule and underlying bill with the same overwhelming bipartisan support it currently enjoys. I urge my colleagues to support this rule and the National Landscape Conservation System Act as we further our efforts to protect and preserve public lands throughout America.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I want to thank my friend and namesake Mr. HASTINGS from Florida for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

(Mr. HASTINGS of Washington asked and was given permission to revise and extend his remarks.)

Mr. HASTINGS of Washington. Mr. Speaker, this is an unfair rule making in order, in my view, a bad bill, and a poor way to run the House of Representatives. It is claimed by this legislation's proponents that it is just an attempt to write into Federal law a new BLM, Bureau of Land Management, land management scheme that was invented by then-Secretary of Interior Bruce Babbitt.

□ 1215

It is the weakest of justifications for passing legislation and an abdication of responsibility for the legislative branch, for this Democratic Congress, to argue that we have to pass this bill to authorize what the last Democratic President created by fiat. Yet the harm to the powers and responsibilities of

the House and our public lands is far greater.

This bill simply doesn't write into law the national landscape conservation system that Secretary Babbitt created, because this bill is written so poorly and loosely that it actually gifts the authority of the Congress over to the political appointees and career department bureaucrats in the Interior Department.

Vague words such as "values" are left undefined by this bill. It is the job of the Congress to define terms and write bills plainly and clearly. Not doing so gives away the power to these presidential appointees and career bureaucrats. When the elected Congress doesn't do its job, the unelected agencies and departments are free to impose their opinions and philosophy as laws and regulations.

With the faults and deficiencies of this bill so obvious, it was no surprise that last night 28 amendments to improve this legislation were filed with the Rules Committee, and with the Democratic track record of shutting down debate in this Congress, it was certainly no surprise when the Democratic Rules Committee blocked 19 of these amendments and denied representatives an ability to come to the floor and have a debate and a vote on their proposals.

My dear friend from Florida noted that the rule makes in order two Democratic amendments and six by Republicans, but I must point out that this means that every amendment offered by the Democrats were made in order, but 19 were not allowed to be made in order that were sponsored by Republicans.

Many relevant and constructive amendments were shut down by the Democratic Rules Committee. These include amendments to ensure the ability for wind and solar energy production on these public lands, to require that the Federal Government fully fund payments in lieu of taxes to local governments before spending new funds on landscaping, to ensure that there is no net loss of off-highway recreation areas and boating access facilities, to protect existing grazing rights, to ensure that hunting, fishing, recreational shooting and other current uses can continue on BLM lands and to require that the privately owned property of American citizens are not included in the NCLS without the written consent of the owner.

When the Rules Committee blocked these amendments, they acted to put the decisions in the hands of the Interior Department. This bill is a threat to the ability of citizens to enjoy and use their public lands. Democrat leaders won't even permit Members of the House to vote on whether Americans will be able to continue to ride, boat, graze livestock, shoot, hunt or fish on the lands that they can use today. This Congress says to Americans that their private property rights are not certain, that these rights and their land is at

risk subject to the whims of the Interior Department.

That Democratic leaders are shutting down debate on this bill is truly not a surprise, but it is a broken promise. When the new majority took control after the 2006 elections, they promised to run the most open House in history. Unfortunately, they have not kept this promise.

In fact, the Democratic majority has set a historic record of the most closed rules in the history of the House, and they have already done that in record time. They have shut down debate on the House floor more than any other majority ever.

Why have they done so? It certainly isn't because of the tremendous accomplishments of the 110th Congress. The list of items not done, overdue bills and unfinished business of this House is long and growing longer.

For example, House Democrats have refused to pass the bipartisan Senate bill to protect our country by modernizing the 1970-era FISA law to monitor foreign persons in foreign places. Another example is the farm bill that expired last September, and America's farmers have been left waiting for months and wondering when this Congress will act.

Another is fixing the Medicare payments to doctors so that they can keep caring for seniors. Another is passing funding for the war on terrorism. The new No Child Left Behind act awaits renewal later this fall. Also the Secure Rural Schools Act desperately needs to be passed to keep the Federal promise made to rural communities whose hospitals and schools are at risk.

The State sales tax deduction expired last December for those States that don't have a State income tax like Washington and Florida. With the deadline just 6 days away, the new majority has yet to create a final budget outline for the next fiscal year.

The House isn't working on these national priorities, but last week the Rules Committee went so far as to pass a rule to restrict debate and permit only three amendments on legislation to renew the Fire Administration.

The end result of this closed process was that all three amendments passed by a voice vote and the bill passed this House by 412-0. Hardly a controversial bill, but under the closed process we are left with that example of how this House is being run.

With the House neglecting its work and not acting on these priorities, we have a lot of free time on our hands, to which the new majority leaders respond by shutting down Republicans from being allowed to offer amendments on even the most noncontroversial bills, like last week and what we will take up this week.

This is an unfair rule on a poorly written bill that threatens each and every American's ability to recreate, use and enjoy their public lands. It puts citizens' private property rights at a real risk.

I urge my colleagues to oppose the rule, to oppose the bill and insist that the House get to work on the important business this Congress is thus far failing to get done.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I will reserve my time until the gentleman has closed and yielded back his time.

Mr. HASTINGS of Washington. Mr. Speaker, at this time I would like to yield 4 minutes to my good friend and former member of the Rules Committee, Mr. BISHOP of Utah.

Mr. BISHOP of Utah. I appreciate the gentleman from Washington yielding me the time. It is always a pleasure for me to be on the floor with the two Representative HASTINGS who represent different parts of the country here. It's a pleasure.

Mr. Speaker, when I was a young State legislator in my second term, actually I was still in my twenties, so you know that was a long, long time ago, someone once came to me with an idea of doing some PR by doing what everyone wants to do, and that is to eliminate useless legislation. I thought this is great. This is going to be a great stunt that I can use to eliminate some useless legislation.

I picked a statute still in the Utah code still on the books which required the State of Utah to fund a summer encampment for every veteran of the Civil War, the Spanish-American War, and, since when this was written, it also said the Great War. Since there were no veterans alive, I thought this was an ideal situation to try to pass, and I introduced the bill.

The unfortunate thing is, even though this bill was supposed to do nothing, when it went to the committees of jurisdiction, there was this impending desire on the part of legislators to make the bill actually do something. By the time it went actually through the process, this bill allowed for any veterans group, including Boy Scouts, to be able to use all the National Guard armories in the State of Utah free of charge.

It got to the point where I killed my own bill, because all of a sudden something that wasn't supposed to do anything was now doing something. What it was doing was really, really wrong and not intended.

Now the proponents of this particular bill say the greatest benefit from this bill is simply that it basically does nothing. It doesn't change anything.

However, one of the proponents, when asked by his local newspaper if this would increase the cost and the regulations on these lands said, well, you establish the system first and then we go to step two.

It is what that step two may or may not be that has the greatest amount of concern with this particular bill, which direction will we be going? This bill talks about establishing values for the management of this land, but nowhere

does it ever talk about what these values actually are.

We will hear amendments on the floor that we are talking about grazing and hunting and fishing and energy rights, as those are part of the values that should have been described and should have been defined in the very basis of this bill.

But what is significant is what will not be allowed to be discussed on this floor with this particular bill. Specifically, how do you treat individuals with this bill? We had an amendment that deals with the concept of recreation, boating and shooting rights. There would be no net loss of territory. On these types of recreation activities, this is a perfect example to talk about is this part of the value of these lands? It's traditional, and yet it was denied the ability to even present that on the floor.

We talked about the border security. There will be an amendment which will codify the status quo on border security, which is not what we wanted to bring up, because what we were talking about is not the status quo, which is bad, but changing the status quo. Those efforts to try and expand that opportunity on border security were denied discussion on this floor on the rule.

Now, this particular entity, this national land conservation system, came from the fertile mind of Secretary Babbitt. It also did not have a specific definition of what the values were.

There are two types of parks and monuments. Not all parks and monuments are created equal. Parks and monuments, run by the Park Service, talk about values and they are specified as to what those values are. What this bill is now trying to do is codify a new entity that will be talking about values of BLM, parks and national monuments.

Now, when you talk to the Department of the Interior, one of the reasons they say they are somewhat supportive of the concept of this bill was because it would allow them to maintain the multiple use values that make a difference between park service land and BLM land.

Yet when we tried to add an amendment to this bill, both in committee and again in the Rules Committee, to specifically say that one of the values must be multiple use, it was defeated on a straight party-line vote.

Once again, the very essence of the difference between national park monuments and national parks and BLM national parks and national monuments is this concept of multiple use. Yet we are not allowed to even talk about that, which goes to the question, if people eventually take legislation and want it to do something, in what direction will this take us? What will they start wanting to do?

If the core difference between national park land and BLM land is not specified in this legislation, where, actually, will we end up? This bill may,

indeed, do something that we do not want to see happening, and this entity, which is nothing more than a \$15 million a year boondoggle right now, a redundancy at best, could indeed end up to do something that creates real harm and real destructive elements.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HASTINGS of Washington. Mr. Speaker, I yield the gentleman an additional 2 minutes.

Mr. BISHOP of Utah. Now there is one other part that should have been part of this discussion and was not allowed by my friends on the Rules Committee.

It was briefly addressed by the gentleman from Florida, but he missed the point, I think, that the gentleman from Alaska was trying to make dealing with personal property.

Supposedly this issue does not deal with personal property because we are only dealing with BLM property. The difference, though, is with all of those entities within the Bureau of Land Management proposal, there are private inholdings. They have been a constant source of problem and contentions.

Unless you specify the significant value of how you are going to treat these inholdings, you make the situation of those private property holders much more difficult. You raise the specter of trying to change access restrictions because, indeed, if you are now going to run this land like the park service land, that will be a problem.

Not only do you create another level of bureaucracy to make those trying to solve their problems much more difficult to get equity, you also create all sorts of different solutions to be there that should have been specified in the legislation.

Protecting the private property holders' inholdings in those properties right now is one of the values that BLM lands should be doing, and it should be specified. It is not in this bill. The fact that we cannot add that to this bill, because of a ruling on a partisan vote by Rules Committee, is devastatingly wrong.

□ 1230

It will take us down a path where who knows what will be the end result. But, it is an end result that will have the high likelihood of harming individual people, individual people who use this land right now, either for recreation purposes, for sporting purposes, for hunting purposes, or for their own land value purposes, will be harmed unless those issues are clearly specified in this language, and the amendments to do that were not made in order.

Several good amendments were made in order, not nearly enough because this bill, as written, is flawed; and this bill, as amended, would still be flawed because it doesn't address those particular issues.

Mr. HASTINGS of Florida. Mr. Speaker, I would ask my friend from Utah not to leave, and I am going to ask him a question and then yield time to him, with the Speaker's permission.

The gentleman from Utah is my good friend and he served with us on the Rules Committee, but I am just curious, as the ranking member of the committee of relevant jurisdiction, did you offer these measures? And, in addition, in the Rules Committee did you offer any statement in support of your measures? Finally, you did offer one amendment that I would suggest we save yourself from by not making it in order because you are not asking, of course, or want us to take up a measure that is going to cost the Treasury \$5 billion.

I yield to the gentleman.

Mr. BISHOP of Utah. Thank you very much, but please don't try and save myself from anything in the future.

Mr. HASTINGS of Florida. I will work on that.

Mr. BISHOP of Utah. Put all of my amendments on the floor, and then, then you've got a good argument that is there.

Indeed, one of these amendments, specifically the amendment on multiple use, was discussed in committee and was defeated on a partisan voice vote. That issue still is one that is relevant and needs to be part of this bill. If it is not, you have taken the core values between BLM and National Parks and blurred the lines into non-existence. You can't do that. That has to be one of the values that is here.

The second issue I am talking about is private property rights. As I recall, I did not present that in the committee so but it is still very relevant and should be here, and is one of the problems that we are developing if we continue to go on with this.

I do have to say to the gentleman from Florida, no, I did not have the privilege of going before your committee and testifying last night. Gosh, I wish I could have done that, and I know you guys really wanted me to be there to continue the testimony and elongate the meeting last night.

Mr. HASTINGS of Florida. Reclaiming my time, did you not have the privilege or did you choose not to come?

Mr. BISHOP of Utah. I thank you if I can answer that question, and as much as I would have loved to, I must say in reality Delta Airlines made the decision for me.

Mr. HASTINGS of Florida. Yes, but that wasn't a privilege lost, that was just an airline not working.

Reclaiming my time, I wanted my friend to have an opportunity to say those things that he did. And notwithstanding his admonition, I can assure him that when he is offering measures that are going to cost the Treasury \$5 billion and violate the PAYGO rule, that on the Rules Committee I will try to save him one more time.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself the balance of my time.

I would just make this point: There are many times when amendments are filed by Members of this body and they do not come to the Rules Committee and their amendments are made in order, and that was the case, for example, of one of the amendments that was made in order by a Democrat Member last night. Those things do happen.

Mr. Speaker, as I mentioned earlier, this is a restrictive rule that prevents Members of this House from offering amendments to try and improve the poorly and loosely written underlying bill.

As has been said several times, 19 amendments were blocked by the Rules Committee. This rule does not allow the House to debate amendments to protect American's current ability to enjoy these BLM lands through fishing, riding, hunting, and boating.

But even more egregious is that this rule blocks the House from voting on an amendment to protect private property rights of American citizens. As Representative BISHOP has pointed out, and he had filed an amendment to the Rules Committee, it was amendment No. 13, that would have simply directed the Secretary of the Interior not to include private property within the National Landscape Conservation System without the written consent of the landowner, and this deals with the issue of in holdings, as Mr. BISHOP mentioned.

Mr. Speaker, this is a fair amendment. It is an important amendment. It seeks only to protect the private property rights of American citizens. The Rules Committee should not have blocked his amendment from being made in order and let Members vote "yes" or "no" on that amendment.

So I am going to give, Mr. Speaker, Members an opportunity to support or oppose private property rights by asking Members of the House to defeat the previous question on the rule. By defeating the previous question, I will seek to amend the rule to allow Representative BISHOP to offer his private property rights amendment No. 13. By voting "no" on the previous question, Members are voting to respect and protect the private property rights of all Americans.

Mr. Speaker, I ask unanimous consent to have the text of the amendment and extraneous material inserted into the RECORD prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. HASTINGS of Washington. Mr. Speaker, I urge my colleagues to vote "no" on the previous question and the rule, and I yield back the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, this is a fair rule and an inclusive rule. We have heard here why we must pass this rule and the National Landscape Conservation System Act. Far too many of our Nation's natural treasures have already been compromised by a variety of destructive threats. It is Congress' responsibility to ensure that the National Landscape Conservation System is forever protected. Each National Landscape Conservation System unit has been established by Congress or Presidential proclamation and is managed according to its enabling authority. This legislation establishes the system in statute.

It is crucial for Congress to act as a good steward for environmental land protection and fully codify the National Landscape Conservation System. It is our duty to help preserve the natural heritage of our Nation for all future generations of Americans to one day enjoy. I urge a "yes" vote on the previous question and on the rule.

The material previously referred to by Mr. HASTINGS of Washington is as follows:

AMENDMENT TO H. RES. 1084 OFFERED BY REP. HASTINGS OF WASHINGTON

At the end of the resolution, add the following:

SEC. 3. Notwithstanding any other provision of this resolution, the amendment printed in section 4 shall be in order as though printed as the last amendment in the report of the Committee on Rules if offered by Representative Bishop of Utah or a designee. That amendment shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent.

SEC. 4. The amendment referred to in section 3 is as follows:

Page 4, line 9, strike "and".

Page 4, line 11, strike the period and insert the following:

(3) by ensuring that no private property will be included in the system without written consent of the owner.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308-311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry,

asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. HASTINGS of Florida. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adopting the resolution, if ordered, and suspending the rules with respect to House Resolution 1077.

The vote was taken by electronic device, and there were—yeas 220, nays 190, not voting 20, as follows:

[Roll No. 164]

YEAS—220

Ackerman	Bean	Boren
Allen	Becerra	Boswell
Altmire	Berkley	Boyd (FL)
Andrews	Berman	Boyda (KS)
Arcuri	Berry	Brady (PA)
Baca	Bishop (GA)	Braley (IA)
Baird	Bishop (NY)	Brown, Corrine
Baldwin	Blumenauer	Butterfield

Capps	Honda
Capuano	Hooley
Cardoza	Hoyer
Carnahan	Inslee
Carney	Israel
Carson	Jackson (IL)
Castor	Jackson-Lee
Chandler	(TX)
Clarke	Jefferson
Clay	Johnson (GA)
Cleaver	Johnson, E. B.
Clyburn	Jones (OH)
Cohen	Kagen
Conyers	Kanjorski
Cooper	Kennedy
Costa	Kildee
Costello	Kilpatrick
Courtney	Kind
Cramer	Klein (FL)
Crowley	Kucinich
Cuellar	Langevin
Cummings	Larsen (WA)
Davis (AL)	Lee
Davis (CA)	Levin
Davis (IL)	Lewis (GA)
Davis, Lincoln	Lipinski
DeFazio	Loeb
DeGette	Loeb
DeLahunt	Lofgren, Zoe
DeLauro	Lowe
Dicks	Lynch
Dingell	Maloney (NY)
Doggett	Markey
Donnelly	Marshall
Doyle	Matheson
Edwards	Matsui
Ellison	McCarthy (NY)
Ellsworth	McCollum (MN)
Emanuel	McDermott
Engel	McGovern
Eshoo	McIntyre
Etheridge	McNerney
Farr	McNulty
Fattah	Meek (FL)
Filner	Meeks (NY)
Foster	Melancon
Frank (MA)	Michaud
Giffords	Miller (NC)
Gillibrand	Miller, George
Gonzalez	Mitchell
Gordon	Mollohan
Green, Al	Moore (KS)
Green, Gene	Moore (WI)
Grijalva	Moran (VA)
Gutierrez	Murphy (CT)
Hall (NY)	Murphy, Patrick
Hare	Murtha
Harman	Nadler
Hastings (FL)	Napolitano
Herse	Neal (MA)
Herseth Sandlin	Oberstar
Higgins	Obey
Hinchey	Oliver
Hinojosa	Ortiz
Hirono	Pallone
Hodes	Pascarell
Holden	Pastor
Holt	Payne

NAYS—190

Aderholt	Cannon	Fox
Akin	Cantor	Franks (AZ)
Bachmann	Capito	Frelinghuysen
Bachus	Carter	Gallely
Barrett (SC)	Castle	Garrett (NJ)
Barrow	Chabot	Gerlach
Bartlett (MD)	Coble	Gilchrest
Barton (TX)	Cole (OK)	Gingrey
Biggart	Conaway	Gohmert
Bilbray	Crenshaw	Goode
Bilirakis	Culberson	Goodlatte
Bishop (UT)	Davis (KY)	Graves
Blackburn	Davis, David	Hall (TX)
Blunt	Deal (GA)	Hastings (WA)
Boehner	Dent	Hayes
Bonner	Diaz-Balart, M.	Heller
Bono Mack	Doolittle	Hensarling
Boozman	Drake	Herger
Boustany	Dreier	Hobson
Brady (TX)	Duncan	Hoekstra
Broun (GA)	Ehlers	Hulshof
Brown (SC)	Emerson	Inglis (SC)
Brown-Waite,	English (PA)	Issa
Ginny	Everett	Johnson (IL)
Buchanan	Fallin	Johnson, Sam
Burgess	Feeney	Jordan
Burton (IN)	Flake	Keller
Calvert	Forbes	King (IA)
Camp (MI)	Fortenberry	King (NY)
Campbell (CA)	Fossella	Kingston

Kirk	Murphy, Tim
Kline (MN)	Musgrave
Knollenberg	Myrick
Kuhl (NY)	Nunes
LaHood	Paul
Lamborn	Pearce
Lampson	Pence
Latham	Peterson (PA)
LaTourette	Petri
Latta	Pickering
Lewis (CA)	Pitts
Lewis (KY)	Platts
Linder	Poe
LoBiondo	Porter
Lucas	Price (GA)
Lungren, Daniel	Pryce (OH)
E.	Putnam
Mack	Radanovich
Mahoney (FL)	Ramstad
Manzullo	Regula
Marchant	Rehberg
McCarthy (CA)	Reichert
McCaul (TX)	Renzi
McCotter	Reynolds
McCrery	Rogers (AL)
McHenry	Rogers (KY)
McHugh	Rogers (MI)
McKeon	Rohrabacher
McMorris	Ros-Lehtinen
Rodgers	Roskam
Mica	Royce
Miller (FL)	Ryan (WI)
Miller (MI)	Sali
Miller, Gary	Saxton
Moran (KS)	Schmidt

NOT VOTING—20

Abercrombie	Ferguson	Neugebauer
Alexander	Granger	Rothman
Boucher	Hill	Rush
Buyer	Hunter	Shays
Cubin	Jones (NC)	Sires
Davis, Tom	Kaptur	Velázquez
Diaz-Balart, L.	Larson (CT)	

□ 1300

Mr. NUNES, Mrs. EMERSON, and Mr. LAMPSON changed their vote from "yea" to "nay."

Mr. HOLT changed his vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 220, nays 188, not voting 22, as follows:

[Roll No. 165]

YEAS—220

Ackerman	Brady (PA)	Courtney
Allen	Braley (IA)	Cramer
Altmire	Brown, Corrine	Crowley
Andrews	Butterfield	Cuellar
Arcuri	Capps	Cummings
Baca	Capuano	Davis (AL)
Baird	Cardoza	Davis (CA)
Baldwin	Carnahan	Davis (IL)
Barrow	Carney	Davis, Lincoln
Bean	Carson	DeFazio
Becerra	Castor	DeGette
Berkley	Chandler	DeLahunt
Berman	Clarke	DeLauro
Berry	Clay	Dicks
Bishop (GA)	Cleaver	Dingell
Bishop (NY)	Clyburn	Doggett
Blumenauer	Cohen	Donnelly
Boren	Conyers	Doyle
Boswell	Cooper	Edwards
Boyd (FL)	Costa	Ellison
Boyd (KS)	Costello	Ellsworth

Emanuel	Levin	Roybal-Allard	Pearce	Rogers (MI)	Terry	Bilirakis	Farr	Lewis (KY)
Engel	Lewis (GA)	Ruppersberger	Pence	Rohrabacher	Thornberry	Bishop (GA)	Fattah	Linder
Eshoo	Lipinski	Ryan (OH)	Peterson (PA)	Ros-Lehtinen	Tiahrt	Bishop (NY)	Filner	Lipinski
Etheridge	Loeb sack	Salazar	Petri	Roskam	Tiberi	Bishop (UT)	Flake	LoBiondo
Farr	Lofgren, Zoe	Sánchez, Linda T.	Pickering	Royce	Turner	Blackburn	Forbes	Loeb sack
Fattah	Lowey		Pitts	Ryan (WI)	Upton	Blumenauer	Fortenberry	Lofgren, Zoe
Filner	Lynch	Sanchez, Loretta	Platts	Sali	Walberg	Blunt	Fossella	Lowey
Foster	Mahoney (FL)	Sarbanes	Poe	Saxton	Walden (OR)	Boehner	Foster	Lucas
Frank (MA)	Maloney (NY)	Schakowsky	Porter	Schmidt	Walsh (NY)	Bonner	Fox	Lungren, Daniel E.
Giffords	Markey	Schiff	Price (GA)	Sensenbrenner	Wamp	Bono Mack	Frank (MA)	Lynch
Gillibrand	Marshall	Schwartz	Pryce (OH)	Sessions	Weldon (FL)	Boozman	Franks (AZ)	Mack
Gonzalez	Matheson	Putnam	Radanovich	Shadegg	Weller	Boren	Frelinghuysen	
Gordon	Matsui	Ramstad	Regula	Shimkus	Westmoreland	Boswell	Gallegly	Mahoney (FL)
Green, Gene	McCarthy (NY)	Serrano	Rehberg	Shuster	Whitfield (KY)	Boustany	Garrett (NJ)	Maloney (NY)
Grijalva	McCollum (MN)	Sestak	Reichert	Simpson	Wilson (NM)	Boyd (FL)	Gerlach	Manzullo
Gutierrez	McDermott	Shea-Porter	Renzi	Smith (NE)	Wilson (SC)	Boyda (KS)	Giffords	Marchant
Hall (NY)	McIntyre	Sherman	Reynolds	Smith (NJ)	Wittman (VA)	Brady (PA)	Gilchrest	Markey
Hare	McNerney	Shuler	Rogers (AL)	Smith (TX)	Wolf	Brady (TX)	Gillibrand	Marshall
Harman	Meek (FL)	Skelton	Rogers (KY)	Souder	Young (AK)	Braley (IA)	Gingrey	Matheson
Hastings (FL)	Meeks (NY)	Slaughter		Stearns	Young (FL)	Broun (GA)	Gohmert	Matsui
Herse th Sandlin	Melancon	Smith (WA)		Tancredo		Brown (SC)	Gonzalez	McCarthy (CA)
Higgins	Michaud	Snyder				Brown, Corrine	Goode	McCarthy (NY)
Hinche y	Miller (NC)	Solis	Abercrombie	Granger	Sires	Brown-Waite, Ginny	Goodlatte	McCaul (TX)
Hinojosa	Miller, George	Space	Alexander	Green, Al	Sullivan	Buchanan	Gordon	McCollum (MN)
Hirono	Mitchell	Spratt	Boucher	Larson (CT)	Sutton	Burgess	Graves	McCotter
Holden	Mollohan	Stark	Buyer	McGovern	Udall (CO)	Burton (IN)	Green, Al	McCrery
Holt	Moore (KS)	Stupak	Cubin	Neugebauer	Velázquez	Butterfield	Green, Gene	McDermott
Honda	Moore (WI)	Tanner	Davis, Tom	Rothman	Waxman	Calvert	Grijalva	McGovern
Hooley	Moran (VA)	Tauscher	Diaz-Balart, L.	Rush		Camp (MI)	Gutierrez	McHenry
Hoyer	Murphy (CT)	Taylor	Ferguson	Shays		Campbell (CA)	Hall (NY)	McHugh
Inslee	Murphy, Patrick	Thompson (CA)				Cannon	Hall (TX)	McIntyre
Israel	Murtha	Thompson (MS)				Cantor	Hare	McKeon
Jackson (IL)	Nadler	Tierney				Capito	Harman	McMorris
Jackson-Lee (TX)	Napolitano	Towns				Capps	Hastings (FL)	Rodgers
	Neal (MA)	Tsongas				Capuano	Hastings (WA)	McNerney
Jefferson	Oberstar	Udall (NM)				Cardoza	Hayes	McNulty
Johnson (GA)	Obey	Van Hollen				Carnahan	Heller	Meek (FL)
Johnson (IL)	Oliver	Visclosky				Carney	Hensarling	Meeks (NY)
Johnson, E. B.	Ortiz	Walz (MN)				Carson	Herger	Melancon
Jones (OH)	Pallone	Wasserman				Carter	Herse th Sandlin	Mica
Kagen	Pascarell	Schultz				Castle	Higgins	Michaud
Kanjorski	Pastor	Waters				Castor	Hill	Miller (FL)
Kaptur	Payne	Watson				Chabot	Hinche y	Miller (MI)
Kennedy	Perlmutter	Watt				Chandler	Hinojosa	Miller (NC)
Kildee	Peterson (MN)	Weiner				Clarke	Hirono	Miller, Gary
Kilpatrick	Pomeroy	Welch (VT)				Clay	Hobson	Mitchell
Kind	Price (NC)	Wexler				Cleaver	Hodes	Mollohan
Klein (FL)	Rahall	Wilson (OH)				Clyburn	Hoekstra	Moore (KS)
Kucinich	Rangel	Woolsey				Coble	Holden	Moore (WI)
Lampson	Reyes	Wu				Cohen	Holt	Moran (KS)
Langevin	Richardson	Wynn				Cole (OK)	Honda	Moran (VA)
Larsen (WA)	Rodriguez	Yarmuth				Conaway	Hooley	Murphy (CT)
Lee	Ross					Hoyer	Hulshof	Murphy, Patrick
						Conyers	Hunter	Murphy, Tim
						Cooper	Inglis (SC)	Murtha
						Costa	Inslee	Musgrave
						Costello	Israel	Myrick
						Courtney	Nadler	Napolitano
						Cramer	Issa	Neal (MA)
						Crenshaw	Jackson (IL)	Nunes
						Crowley	Jackson-Lee (TX)	Oberstar
						Cuellar	Jefferson	Obey
						Culberson	Johnson (GA)	Oliver
						Cummings	Johnson (IL)	Ortiz
						Davis (AL)	Johnson, E. B.	Pallone
						Davis (CA)	Johnson, Sam	Pascarell
						Davis (IL)	Jones (NC)	Pastor
						Davis (KY)	Jones (OH)	Payne
						Davis, David	Jordan	Pearce
						Davis, Lincoln	Kagen	Pelosi
						Davis, Tom	Kanjorski	Pence
						Deal (GA)	Kaptur	Perlmutter
						DeFazio	Keller	Peterson (MN)
						DeGette	Kennedy	Peterson (PA)
						Delahunt	Kildee	Petri
						DeLauro	Kilpatrick	Pickering
						Dent	Kind	Pitts
						Diaz-Balart, M.	King (IA)	Platts
						Dicks	King (NY)	Poe
						Dingell	Kingston	Pomeroy
						Doggett	Kirk	Porter
						Donnelly	Klein (FL)	Price (GA)
						Doolittle	Kline (MN)	Price (NC)
						Doyle	Knollenberg	Pryce (OH)
						Drake	Kucinich	Putnam
						Dreier	Kuhl (NY)	Radanovich
						Duncan	LaHood	Rahall
						Edwards	Lamborn	Ramstad
						Ehlers	Lampson	Rangel
						Ellison	Langevin	Regula
						Ellsworth	Larsen (WA)	Rehberg
						Emanuel	Latham	Reichert
						Emerson	LaTourette	Renzi
						Engel	Latta	Reyes
						English (PA)	Lee	Reynolds
						Eshoo	Levin	Richardson
						Etheridge	Lewis (CA)	Rodriguez
						Everett	Lewis (GA)	Rogers (AL)
						Fallin		

## NOT VOTING—22

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remaining in this vote. Two minutes remaining.

□ 1307

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. AL GREEN of Texas. Mr. Speaker, today I was unavoidably delayed and missed the vote on H. Res. 1084, the Rule providing for consideration of H.R. 2016, the National Landscape Conservation System Act (rollcall 165). Although H. Res. 1084 passed by a vote of 220–188, I respectfully request the opportunity to record my position. Had I been present I would have voted “yea” on rollcall 165.

## CALLING ON THE GOVERNMENT OF CHINA TO END ITS CRACK-DOWN IN TIBET

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 1077, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BERMAN) that the House suspend the rules and agree to the resolution, H. Res. 1077.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 413, nays 1, not voting 17, as follows:

[Roll No. 166]

YEAS—413

## NAYS—188

Aderholt	Dent	Jordan
Akin	Diaz-Balart, M.	Keller
Bachmann	Doolittle	King (IA)
Bachus	Drake	King (NY)
Barrett (SC)	Dreier	Kingston
Bartlett (MD)	Duncan	Kirk
Barton (TX)	Ehlers	Kline (MN)
Biggert	Emerson	Knollenberg
Bilbray	English (PA)	Kuhl (NY)
Bilirakis	Everett	LaHood
Bishop (UT)	Fallin	Lamborn
Blackburn	Feeney	Latham
Blunt	Flake	LaTourette
Boehner	Forbes	Latta
Bonner	Fortenberry	Lewis (CA)
Bono Mack	Fossella	Lewis (KY)
Boozman	Fox	Linder
Boustany	Franks (AZ)	LoBiondo
Brady (TX)	Frelinghuysen	Lucas
Broun (GA)	Gallegly	Lungren, Daniel E.
Brown (SC)	Garrett (NJ)	Mack
Brown-Waite, Ginny	Gerlach	Manzullo
Buchanan	Gilchrest	Marchant
Burgess	Gingrey	McCarthy (CA)
Burton (IN)	Gohmert	McCaul (TX)
Calvert	Goode	McCotter
Camp (MI)	Goodlatte	McCrery
Campbell (CA)	Graves	McHenry
Cannon	Hall (TX)	McHugh
Cantor	Hastings (WA)	McKeon
Capito	Hayes	McMorris
Carter	Heller	Rodgers
Castle	Hensarling	Mica
Chabot	Herger	Miller (FL)
Coble	Hill	Miller (MI)
Cole (OK)	Hobson	Miller, Gary
Conaway	Hoekstra	Moran (KS)
Crenshaw	Hulshof	Murphy, Tim
Culberson	Hunter	Musgrave
Davis (KY)	Inglis (SC)	Myrick
Davis, David	Issa	Nunes
Deal (GA)	Johnson, Sam	Paul
	Jones (NC)	

Ackerman	Baca	Barton (TX)
Aderholt	Bachmann	Bean
Akin	Bachus	Becerra
Alexander	Baird	Berkley
Allen	Baldwin	Berman
Altmire	Barrett (SC)	Berry
Andrews	Barrow	Biggert
Arcuri	Bartlett (MD)	Bilbray